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**VIRGINIA IN 1666-1667.**


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(Abstracts by W. N. SAINSBURY, and copies in the McDonald and De Jarnette Papers, Virginia State Library.)

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(CONTINUED)

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THE VIRGINIA GOVERNOR AND COUNCIL TO LORD  
ARLINGTON, 1666.

(Copy)

[Colonial Papers, Vol. 20—No. 117]

My Lord

Your most obliging Letter of the 23d of february I Received not till the 11th of July instant wherein two things yo<sup>r</sup> Lords'<sup>h<sup>p</sup></sup> perticular recommended to my Care the fortifieing the Country and the promoteing of the usefull Commodities of silke hempp and Flax with the assureance of his Ma<sup>ties</sup> most gracious assistance in the later. Now my Lord for the first concerning the fortifieing the Country wee resolved on it long before to our utmost possibilty and had designed A Fort at James Towne in the Center and Hart of the Countrey which would have been defended easily and alternatively by all the Inhabitants But my Lord when our monies and workemen were ready for this most excellent worke the few great gunns which are but fourteene brought up at great Charges to the place wee know not by what misinformaton wee were Comanded to build this Fort in the Extreameties of the Province in A place useless as to any Certaintie of defence and insupportable in the Charges of it But the Command was soe possetive wee durst not disobey it especially hoping and beleevving that his Ma<sup>ties</sup> just Armes had beene soe successfull against his unjust Enemies that wee should have

noe great necessitie of more Forts then what wee built on his Ma<sup>tie</sup> Command till wee had been able to informe his Ma<sup>tie</sup> of the true State of the Countrey But now my Lord wee finde that all the Forts that wee can build though never soe strong will not absolutely answer what they are designed for the Entrance into the Province is soe large that any Enemy[s] Shipp may ride out of all possible dainger of the greatest Cannon in the world and shippes may be taken going out or comeing in without all possible assistance from us of this my Lord wee had a sad instance not two daies before I receaved your Lords<sup>hip</sup> Letter For a small shipp of Fo'y that could not gett out with the first Fleet which went out thirty fower together I stayed till I had intelligence of two Friggets in New England and then takeing his bond of a thousand<sup>d</sup> pounds to goe home under their Protection I gave him leave to repaire to them But within the Bay, lay A Caper with English Colours who unsuspected tooke the shipp though the men which were ten all escaped.

This makes me on my knees humbly to implore his Ma<sup>tie</sup> that when the next Fleet comes a Frigget may come along with them to guard those that the windes and stormes separte when they approach the harbour and wee doubt not but the Marchants will joyne with us in this Petition and Contribute something to the Charge of it It being soe necessary for King and People.

For the second my Lord wee were also so intent upon silke Flax and hemp that into the two first wee have made considerable Progresses and as in duty wee thought wee were bound to offer the first fruites of A new Rich commodity to his Ma<sup>tie</sup> on the Publique Charges though wee were never more unable (from divers causes) then now Wee have prepared A present of three hundred Pounds of silke to be sent to his Ma<sup>tie</sup> which is now ready but wee dare not send it till wee heare farther what the Capers are and their number [and that wee might be more intent on these comodities soe Hon<sup>ble</sup> and usefull for King and subject wee have made and Decreed A yeare of Cessation from planting Tobacco But

my Lord that wee may not arrogate untruely to much to ourselves in this particular Wee will Confesse this truth that an absolute necessitie puts us upon this Provident wisdome and the quantities of our tobaccoes soe great and the price of it soe small that wee were not able to live by it For the Merchants knowing both our necessities and the unconsumeable quantities of tobacco wee had by us gave us not the twentieth part of what they sold it For in England, and we can truly avow that wee have now made and groweing more then in humane probability will be carried home in three yeares ensueing This I say with our desires to make ourselves esteemed for being the Authors of richer and more warrantable Comodities, endured and enforced us to make a Cessation for the Preservation of the People which otherwise are in great Dainger and wee Doe most humbly beseech your Lords<sup>h<sup>p</sup></sup> that wee on the Place sworne to promote the service of his Ma<sup>ty</sup> may be beleevd before any private interest who understand us not and that this is the sence of the Countrey these Gen<sup>t</sup> that now assist me in the greatest affaires of his Ma<sup>ty</sup> I have desired to attest this and to subscribe themselves as I Doe

Your Lords<sup>h<sup>p</sup></sup>.

Virginia, 13<sup>th</sup> July 1666, Most Humble and obedient serv<sup>ts</sup>

[signed]

William Berkeley

Tho: Ludwell

Robt Smith

Rr: Bennett

Thomas Stegge

Henry Corbyn

Theo: Blande

[To] my L<sup>d</sup> Arlingtom

[Indorsed]

13 July 1666. R. "Feb.

Virginia

S<sup>r</sup> W. Berkley & Councell That they designed a Fort at James Towne in the Centre of the Countrybut were comanded to erect one in y<sup>e</sup> extremitie of it, where y<sup>e</sup> greatest cannon in

y<sup>e</sup> world cannot defend our ships. That y<sup>e</sup> merch<sup>ts</sup> there will contribute to y<sup>e</sup> charge of a Frigat to guard them if his Ma<sup>ty</sup> will be pleased to send one. Have a Present for his Ma<sup>ty</sup> of 300 pounds of silke, but dare not send it yet in regard of Capers Have made good Progresse alsoe in Hempe & Flaxe. Have decreed a Cessation of planting Tobacco for one year; y<sup>e</sup> merchts<sup>ts</sup> giving not the 20<sup>th</sup> part of w<sup>t</sup> they sold it for in England; haveing now a crop y<sup>t</sup> will not be carried away in 3 years to come.

#### A DESCRIPTION OF THE GOVERNMENT OF VIRGINIA.

(Copy).

Right Honorable

Being in obedience to your Lordships Comands to give you a description of the Governm<sup>t</sup> of this place & humbly supposing your Lordship expects a relation of y<sup>e</sup> p<sup>r</sup>sent & not a full discourse of y<sup>e</sup> whole Governm<sup>t</sup> from y<sup>e</sup> first planting of this Colony, which would bee very hard to doe by reason of y<sup>e</sup> negligence of former times in transmitting anything of that nature to their successor I have thought it necessary for y<sup>e</sup> better performance of your Hono<sup>rs</sup> Comands & Compliance with that truth on which my following discourse must bee grounded to give your Lordship a short Character of y<sup>e</sup> Governo<sup>r</sup> of this Colony before I entd upon y<sup>e</sup> discription of his Governm<sup>t</sup> I know it to bee superflous to say anything of his person greate parts, or quallitie because your Lord<sup>sh</sup> knowes & can better judge of them then myselfe, I shall therefore w<sup>th</sup> your Lordships favor only speake of him as Govenor of Virginia, & very hartely beg his pardon for y<sup>e</sup> Injury I doe his reputation & merritts, Whilest my inability to prsent them in their full Lusture may encline those who know neither him nor mee to believe their defects to bee really in themselves, & not in him who reports them & under y<sup>e</sup> securitie of this Apology to your Lordship & him I shall bee bould to say that hee is a Person pious & exemplarily sober in his Conversation, prudent

& Just in peace dilligent & valliant in Warr I shall strengthen three assertions only with three argum<sup>ts</sup> & for y<sup>e</sup> first shall only say that mine owne long experience, & y<sup>e</sup> suffrages of the whole Country can sufficiently prove y<sup>e</sup> excellency of his Conversation, nor doe I think there can be a more convincing evidence of his Prudence, and Justice Then that in six years after hee was forced to resigne this Country to y<sup>e</sup> Gennerall unhappy fate of our Nation (a Time when y<sup>e</sup> Enemies of his Loyalty & Virtue would have loaden him with reproaches especially had they had Justice on their side) there was not one man that either publiquely or privately charged him with Injustice, or any other fault comitted in eight years Governm<sup>t</sup> & for his dilligence and Vallour y<sup>e</sup> frequent and greate hazards hee exposed his person to in y<sup>e</sup> conquest of Opechankevough, & all his Indians (whereby hee first secured this Country from those fears that had possessed them from their first seating & rendred the Indians soe subjected to this Governm<sup>t</sup> that I may confidently affirme y<sup>e</sup> Like Conquest hath bin made by noe other English Governm<sup>t</sup> in y<sup>e</sup> West Indies would have proclaimed his Military virtues, & have given him a very greate reputation for that Service had it not hapned in an Unfortunate time when the whole English Nation was involved in a Civill War, and consequently had all their Reflections divirted from what hee did here to what most and more nerely concerned them there—And now my most honored Lord haveing given you this short Character of our Governo<sup>r</sup> I shall proceed to as short a discription of his Government (which I soe tearme because heeis y<sup>e</sup> sole author of the most substantial parts of it either for Lawes, or other Inferiour institutions) Which as subordinate to that of England is devided into Ecclesiasticall Civill & Millitary, for y<sup>e</sup> Ecclesiasticall parte of it (being yett unfitt for a Bishop to reside here by reason of the fewness of our Numbers & other Inconveniences) Wee are subjected to the Sea of London, & have noe superiour Clergie amongst—But when it pleaseth God to send us any Ministers some parish or other p<sup>re</sup>sents them, & the Governo<sup>r</sup> Inducts them But with this Pious as well as prudent care that none bee admitted

to the exercise of their functions who are not in Ord<sup>rs</sup> and very Orthodox in their profession of which excellent sorte of men wee have at p<sup>r</sup> sent very few amongst us, & I could hartely wish that my Lord of London, and other greate Cleargymen would take us a little more into their care for our Better supply since y<sup>e</sup> utmost of our Encouragem<sup>ts</sup> will invite none to us though wee have very few parishes give less then One hundred pounds p Annum and many give more Which is Levied by y<sup>e</sup> respective Vestries, out of which they yearly choose churchwardens as in England. And now my most Honored Lord having said thus much of our church government, I beseech you give mee Leave to p<sup>r</sup>sent you w<sup>th</sup> as true a narrative of y<sup>e</sup> Civill parte of this Governm<sup>t</sup> without any animadversions upon it which to doe in the better Ord<sup>r</sup> I must informe your Hono<sup>r</sup> that this Colony is divided at p<sup>r</sup>sent into nineteen Counties, & those subdivided into parrishes only & not into hundreds, or tythings which is only necessary in more populous Countryes Every of which Counties is left to the Care and Charge of Eight, or Tenn Justices of the peace Whereof three or foure are of y<sup>e</sup> Quorum out of which Number of Justices there is yearly chosen a Sheriff who is Confirmed by y<sup>e</sup> Governo<sup>r</sup> & upon sufficient Securitie given to y<sup>e</sup> rest of the said Justices is entrusted with y<sup>e</sup> Collection & payment of all Publiqu<sup>e</sup> Leavies, Quittrents, secretaries & Clerkes fees, and hath Tenn p cent allowed him for Sallery for y<sup>e</sup> rest of his Authority it is as in England only hee keeps noe Court, and y<sup>e</sup> severall parrishes of Each County are armed with the authoritie of a Cunstable chosen from amongst y<sup>e</sup> honestest household<sup>rs</sup> & the said Whole number of Justices, or any foure of them whereof one to bee of the Quorum are by Commission from the Gouverno<sup>r</sup> made and Constituted a Court of Judicature for the Tryall of all Causes within their respective Counties, except such as question Life, or Member, & every particular Justice hath power to try and determine any Cause to the vallue of Twenty shillings, or Two hundred Pounds of Tobacco which Power was soe granted to prevent frivelous & unnecessary suites in y<sup>e</sup> County Courts which are held every second month; & once at least in Every

year there is a Court of Enquiry w<sup>h</sup> wee call an Orphans Court held before y<sup>e</sup> said Justices of the respective Countyes where all Guardians are required to appeare, and bring their Orphans to bee examined wether they are well used and to give an \*ac-compt to the said Justices of y<sup>e</sup> well, or ill Management of such Orphans Estats as are committed to their trust, & these severall Courts are soe appoynted in the respective Counties as any person who may have business in many of them may easely attend y<sup>e</sup> same because they are held neither on y<sup>e</sup> same day, nor in y<sup>e</sup> same month at severall places from y<sup>e</sup> Judgm<sup>t</sup> of w<sup>h</sup> Courts y<sup>e</sup> parties agreeed may appeale to the Gennerall Court held at James Citty on September, November, and March every yeare before y<sup>e</sup> Gov and Councell which Court is of a mixed constitution for all Causes of what nature or vallue soever they bee above Tenn Pounds sterling, or fifteen hundred Pounds of Tobacco are tryed there either in Common Law, Chancery, or Criminall as Treasons, Murthers Felonyes, etc. if any Quakers, or other secteryes, or Nonconformists act anything in poynt of Religion contrary to the Statutes of England, or the Lawes of this Country they are tryed in that Court, y<sup>e</sup> Power of Peace & Warr is seated in the same. The Governo<sup>r</sup> and any three of the sixteen Cuncello<sup>r</sup>s now residing here make a Court, Wherein as greate Care is taken to make the Lawes and pleadings upon them Easy & obvious to every mans und<sup>r</sup>standing as in other parts. they doe to keep them a mistery to the People for noe advantage is allowed to either party from little Errors in Declarations or Pleas etc-but both are kept within the just Lymmitts of ye merritts of their Cause and Judgm<sup>t</sup> pass secundum alegata et probata & References are rarely obteyned but upon very just grounds as either sickness of the party desiring it, or of y<sup>e</sup> Witnesses, or papers in England etc. from which wee draw these two greate advantages, y<sup>t</sup> avoiding trouble to y<sup>e</sup> Court, and the speedy dispensation of Justice to those who seeke it from y<sup>e</sup> Judgm<sup>t</sup> of which Court any person (upon securitie

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\*[sic]



given to prosecute it) may appele to the Assembly which consists of the Governor, Councill & Two Burgesses chosen upon (y<sup>e</sup> Governors Writt) by y<sup>e</sup> freeholders of every County, and one for James Citty which assembly is convened once in Every year (and upon Emergent occasions oftener) a matter (though Chargeable) yett most necessary for the spedier prevention of such Inconveniencies, or Confirmation of such good Institutions as may be most likely to obstruct, or advance y<sup>e</sup> prosperity of New settled Governmen<sup>t</sup> there our Lawes are enacted (all or most of which I hope your Lordship hath seen) there are Leavies laid upon the People & proportioned to the publiq<sup>e</sup> necessity, and since all fines imposed upon offend<sup>r</sup>s are here (if not upon submission released) leavied to the use of the Publiq<sup>e</sup> (though to the use of the Respective Governo<sup>r</sup>s till S<sup>r</sup> W<sup>m</sup> Berkeleys time, who first released them that hee might keep his Reputation cleere from all hazards of Calumny) It is by y<sup>e</sup> Assembly orderd what they shall bee employed on, in fine it is by this Excellent temper that a Right understanding is kept between Governo<sup>r</sup> and people and that y<sup>e</sup> strings of Government are always kept in tune. And now my ever hono<sup>d</sup> Lord haveing said this much of y<sup>e</sup> two first parts of this Governm<sup>t</sup> I shall proceed to the last which is y<sup>e</sup> millitary parte of it, and informe your Lordship that as y<sup>e</sup> Country is devided into nineteene Counties, soe it is into foure Provinces; The first whereof which containes y<sup>e</sup> next adjacent Counties to the Gov<sup>r</sup> is under his owne immediate Conduct, y<sup>e</sup> other three being more remote are committed to y<sup>e</sup> Care of three Major Genneralls (one of whom Maj<sup>r</sup> Genn'll Richard Bennett I beleeve to bee of your Lordships family both by his Name & armes) Every Maj<sup>r</sup> Genn'll hath two Adjutants, and every county within y<sup>e</sup> said Provinces hath a Regim<sup>t</sup> of ffoot under y<sup>e</sup> Command of a Collonell (who for y<sup>e</sup> most parte is one of y<sup>e</sup> Councill) & other inferiour Officers & in many of them a Troop of Horse under y<sup>e</sup> comand of a Capitaine, & other inferiour Officers which horse when drawne together have an officer appoynted over them—Besides there is a Capitaine of y<sup>e</sup> fort by Commission from y<sup>e</sup> King, and a

Captaine of y<sup>e</sup> Guard by Commission from y<sup>e</sup> Governo<sup>r</sup> as all y<sup>e</sup> other Officers are as from their Genn'll y<sup>e</sup> Militia of the Country being thus disposed of greate care is taken that y<sup>e</sup> respective officers doe traine them. and see their armes well fixed. And truly my Lord I beleive all to bee in soe good Ord<sup>r</sup> as an Enemy would gaine little advantage by attempting anything upon them. I haveing now done w<sup>th</sup> y<sup>e</sup> last parte of this Governm<sup>t</sup>, I shall beg your Lordships patience whilst I write a Word or two of y<sup>e</sup> articles betweene us and the Indians who now-hold noe land but what wee grant them, and if they committ any Offence against an Englishman, or hee against them It is tryable in our Courts, or before some of our Magistrates but for any Difference amongst themselves it is still left to the Discision of their owne Customes. I shall conclude with a list of the principall Officers of State in this Governm<sup>t</sup> w<sup>th</sup> are the Governor of whose revenue (being one Thousand Pounds p Annu) I shall with your Lordships pardon say that though in the Infancy of this Colony it might justly bee thought enough yett now it is not onely Less then any other Governo<sup>r</sup> in the West Indies receives but is foo little for y<sup>e</sup> Necessary Supporte of that State y<sup>e</sup> Gov<sup>r</sup> of this his Ma<sup>ty</sup>'s antientest Colony must keep, nor could our Governo<sup>r</sup> comorte with y<sup>e</sup> Grandeur of his authority nor comply w<sup>th</sup> his greate expences in setting up Manufactures, and other excellent designes for y<sup>e</sup> good and Example of this Country, did not his necessities make him admirably Industrious on his farme for ye improvement of his Revenue, which unavoideably diverts much of that Care hee otherwise would wholly imploy for y<sup>e</sup> Publiq<sup>ue</sup> utillity of this Colony. The next Officers are y<sup>e</sup> Councell Treasu<sup>r</sup> Secretary, Cap<sup>t</sup> of y<sup>e</sup> ffort Auditor Gennerall, and Surveyor Genn'll before y<sup>e</sup> first of the Two Last all y<sup>e</sup> Collecto<sup>rs</sup> of y<sup>e</sup> Two Shillings p hogshead of Tobacco, & all Sherriffs, or other receivers of Publiq<sup>ue</sup> Leavies appeare at James Citty twice in every yeare, and perfect their accounts with him & take out their discharge from him as out of the Exchequer in England and before y<sup>e</sup> Surveyor Genn'll once a year appeare all Inferiour Surveyo<sup>rs</sup> (who are commissionated by him) with a booke of

all y<sup>e</sup> Surveyors of Land by them made to bee examined wether they have done right between y<sup>e</sup> King & his subjects of this Colony who by an antient Indulgence of y<sup>e</sup> crowne have a Right to fifty acres of Land for every p<sup>er</sup>son they transport into this country w<sup>ith</sup> transportacon being proved in any Court of Record y<sup>e</sup> Clerke gives y<sup>e</sup> p<sup>er</sup>ty claiming a certificate upon w<sup>ith</sup> y<sup>e</sup> surveyor measures him y<sup>e</sup> Land, and gives him a survey und<sup>er</sup> his hand which with y<sup>e</sup> certificate being entred in y<sup>e</sup> Secretarys Office a pattent issues out for y<sup>e</sup> same signed by y<sup>e</sup> Gov<sup>r</sup> & Sealed w<sup>ith</sup> y<sup>e</sup> Seale of y<sup>e</sup> Colony, The Land to be held of the King in Common Soccage at y<sup>e</sup> yearly rent of one shilling for Every fifty acres, & to be seated in three years after y<sup>e</sup> date of the pattent, or y<sup>e</sup> Land to bee Lost. My most Hono<sup>d</sup> Lord I have now noe more to say but to beseech your hono<sup>r</sup> that if you shall judge mee to have said too much to Consider that the Nature of the subject would have admitted much more, & if your Lordship shall blame mee for being too short that you may forgive mee too, since I am affraid your other greate Employ<sup>ment</sup> will not permitt you to peruse what I have already said, & shall therefore add noe more but my Peticon for your Lordships pardon for my imperfections, and may God for Ever bless you with all the blessings of Heaven and Earth, & bless mee also w<sup>ith</sup> a Continuacon of your favors  
upon

My most honored Lord

You<sup>r</sup> Lordships most humble and ffaythfull  
serv<sup>ant</sup>.

[signed] Tho: Ludwell.

Virg' 17<sup>th</sup> 1666.

[Indorsed]

Virginia 17<sup>th</sup>, Sep<sup>r</sup> '66

M<sup>r</sup> Ludwell, Secr<sup>y</sup> gives a large yet modest character of the Governo<sup>r</sup> & Governem<sup>t</sup>.

## GOVERNOR BERKELEY TO LORD ARLINGTON, 1667.

(Copy)

[*Colonial Papers*. Vol. 21, No. 55.]

My Lord

I have given your Lordship frequent accounts of the publique businesse of this Countrey But now must beg leave to write to my Lord Arlington not as Secretary of State but as to a noble person who I know as\* seen in me an infinite respect of his parts and Vertues this inclination of mine my lord has been mightily increass'd by the frequent letters I have had from my deare brother Acknowledging the favors and kindnesses our family has receaved from you and did comand me that I should addresse myselfe to your lordship when I dard to hope for a marque of the Kings favour What shal I say my Lord age and misfortunes has wilted my desires as wel as hopes and the truth is I cannot in this time of my very old age so wish myselfe happy but that I presently repent of my desires to be so the way I proposd: when the time was that I could have taken any.... gust in the favours of princes I wanted the helpe of a frendly Angel to put me into the Poole when the waters were made seasonable for hopes and powerful to heale dispayre.

I have donne the King and his blessed father all faithful service in my station but am as farr from pretending merit to my King as the most pretending strict presbiterian is from [G]od†

Yet though Ambition comonly leaves sober old age co[v]etuousness does not I shal therefore desire of your Lordship [t]o procure of his Matie the customes of two hundred Hogshead [o]f tobb. I have now sent home. I have expended [m]ore on the extraordinary charges of this warr I shal desire my brother to sollicite your lordship for this grant who is the

\**[sic]*†*[M. S. defective]*

cause of this bold request my lord the great cause of mistake in this World, is that we thinke every one knowes our inclinations and affections as wel as we doe our selves and that often puts us on unmannerly petitions and if this be of that nature I shal humbly beg a pardon but never cease to be a thankful acknowledger of the favors you have been pleased to shew my dearest Brother

My lord I am from my hart Your Lordships most humble  
(and pardon) most affectionate Servant  
June 5<sup>th</sup> 1667

[signed ]Will Berkeley.

[Endorsed]

June 5, '67 S<sup>r</sup> W<sup>m</sup> Berkeley Virginia desires of his Ma<sup>ty</sup> ' the Customes of 200 Hogsheads of Tobacco.

5<sup>th</sup> June 1667.

(To be Continued.)